

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

A. PERRY DESIGNS & BUILDS, P.C. *

1220 Washington Ave. *

Wilmette, Illinois 60091 *

Plaintiff, *

v. * Case No. _____

J. PAUL BUILDERS, LLC *

1 Reservoir Circle, Suite 100 *

Pikesville, Maryland 21208 *

Serve on Resident Agent: *

Resagent, Inc. *

7 Saint Paul Street *

Suite 1900 *

Baltimore, Maryland 21202 *

Defendant. *

* * * * *

COMPLAINT

Plaintiff, A. Perry Designs & Builds, P.C. (“A. Perry Designs & Builds, P.C.” or “Plaintiff”), by its undersigned attorneys and pursuant to the Federal Rules of Civil Procedure, files this Complaint against the Defendant, J. Paul Builders, LLC (“JPB” or “Defendant”), and states:

Parties

1. The Plaintiff is now and was at all times pertinent hereto an Illinois professional corporation engaged in the business of designing luxury houses with its principal office located in Wilmette, Illinois.

2. JPB is now and was at all times pertinent hereto a Maryland limited liability company engaged in the business of building single family houses in the Baltimore metropolitan area with its principal office located in Baltimore, Maryland.

Jurisdiction and Venue

3. This cause arises under the United States Copyright Act, U.S. Code, Title 17, Section 101, et seq. (the “Copyright Act”), and this Court has jurisdiction of this cause pursuant to U.S. Code Title 28, section 1338(a).

4. Venue is proper in the District of Maryland, Northern Division, pursuant to U.S. Code Title 28 Section 1400(a) and U.S. Code Title 28, Section 1391(b). Process properly issues from this Court pursuant to Rule 4 of the Federal Rules of Civil Procedure.

5. JPB, upon information and belief, transacts business within this district, maintains its principal office in this district, derives substantial revenue from interstate commerce within this district, and has offered services for sale and sold within this district services which infringe upon Plaintiff’s copyright as set forth hereinafter.

Count I – Copyright Infringement

6. Plaintiff incorporates by reference, as if fully stated herein, paragraphs 1 through 5 of this Complaint.

7. In 2014, Plaintiff created an original design which it designated “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737”. A copy of “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737” Certificate of Registration is attached hereto as Exhibit “A”.

8. The “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737” is a wholly original work of architecture and copyrightable subject matter under the laws of the United States.

9. Plaintiff has duly complied in all respects with the provisions of the Copyright Laws of the United States and has secured the exclusive rights and privileges in and to said design, and Plaintiff requested and has received from the Register of Copyrights a Certificate of Registration. A copy of the Copyright of Registration is attached hereto as Exhibit “B”.

10. At all relevant times, Plaintiff has been, and is now, the sole proprietor of all rights, title, and interest in the copyright and is the sole owner of the right to exploit the copyright of the exclusive design “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737”.

11. Upon information and belief, Defendant JPB had access to Plaintiff’s “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737” and related confidential information thereon.

12. Upon information and belief, at some time presently unknown, after it was first published, Defendant JPB intentionally and willfully infringed Plaintiff’s copyright by reproducing the Plaintiff’s copyrighted design “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737” and causing to build, offering to build, engaging others to build and building, without Plaintiff’s consent or license, a building which embodies and/or incorporates, and therefore is copied from and substantially similar to Plaintiff’s copyrighted design, “Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737”. A photograph of the infringing work is attached hereto as Exhibit “C”.

13. Defendant’s design is clearly copied from Plaintiff’s design.

14. Defendant’s design is substantially similar to Plaintiff’s design.

15. Plaintiff has no adequate remedy at law.

WHEREFORE, the Plaintiff, A. Perry Designs & Builds, P.C., respectfully requests judgment:

a. That Defendant JPB, together with its officers, agents, servants, employees, attorneys and other parties in active concert or participating with it, be enjoined from infringing Plaintiff's copyrighted design copied from and substantially similar to the copyrighted work "Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737", or by causing and participating in offering to build and/or engaging others to reproduce, build, and/or building, distributing, displaying, promoting, or advertising by others of buildings and/or designs of buildings embodying and/or incorporating a design copied from and substantially similar to the copyrighted design "Proposed Residence 15125 Devlin Drive, Glenelg, Maryland 21737", pursuant to 17 U.S.C. § 503;

b. That Defendant JPB, together with its officers, agents, servants, employees, attorneys, and other parties in active concert or participating with it, be required to deliver up for destruction all infringing copies of Plaintiff's copyrighted design in their possession and or under their control, whether in the form of renditions, drawings, or any other objects and goods incorporating the infringing design, and to withdraw all advertising or materials bearing a copy of such copyrighted work pursuant to 17 U.S.C. § 503;

c. That Defendant JPB be required to pay Plaintiff such damages as Plaintiff has sustained as a consequence of Defendant's infringement of Plaintiff's copyrighted design, and to account for all gains, profits, and advantages derived by it from their infringement, including profits on all sales of goods embodying any copy of the copyrighted designs pursuant to 17 U.S.C. § 504;

d. That Defendant JPB be required to pay Plaintiff A. Perry Designs & Builds, P.C. statutory damages pursuant to 17 U.S.C. § 504; and

e. That Plaintiff A. Perry Designs & Builds, P.C. be awarded any other damages and remedies, at law or in equity, as the Court may deem just and proper.

Respectfully submitted,

/s/ David D. Gilliss

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